

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01815-TNM**

EQUITY FORWARD v. U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 08/02/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**EQUITY FORWARD**

represented by **Cerissa Cafasso**
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5244
Fax: (202) 871-6523
Email: cerissa.cafasso@americanoversight.org
TERMINATED: 10/23/2019
LEAD ATTORNEY

Hart W. Wood
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 873-1743
Fax: (202) 871-6523
Email: hart.wood@americanoversight.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

represented by **Jeremy S. Simon**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2528
Fax: (202) 252-2599
Email: jeremy.simon@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/02/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 400 receipt number 0090-5616572) filed by EQUITY FORWARD. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons)(Cafasso, Cerissa) (Entered: 08/02/2018)
08/02/2018	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by EQUITY FORWARD (Cafasso, Cerissa) (Entered: 08/02/2018)
08/02/2018		Case Assigned to Judge Trevor N. McFadden. (zjd) (Entered: 08/02/2018)
08/02/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u>

		Notice and Consent)(zjd) (Entered: 08/02/2018)
08/02/2018	<u>4</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 8/2/2018. (lctnm2) (Entered: 08/02/2018)
08/06/2018	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Hart W. Wood, :Firm– American Oversight, :Address– 1030 15th Street NW, B255, Washington, DC 20005. Phone No. – 2028695246. Filing fee \$ 100, receipt number 0090–5623286. Fee Status: Fee Paid. by EQUITY FORWARD (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Cafasso, Cerissa) (Entered: 08/06/2018)
08/06/2018		MINUTE ORDER granting the <u>5</u> Motion for Leave to Appear Pro Hac Vice of Attorney Hart W. Wood. Counsel shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 8/6/2018. (lctnm2) (Entered: 08/06/2018)
08/21/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES served on 8/6/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/7/2018, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/3/2018. Answer due for ALL FEDERAL DEFENDANTS by 9/2/2018. (Attachments: # <u>1</u> Exhibit)(Wood, Hart) Modified on 8/24/2018 to add service dates (zrdj). (Entered: 08/21/2018)
09/04/2018	<u>7</u>	ANSWER to Complaint by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Simon, Jeremy) (Entered: 09/04/2018)
09/10/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the proposed schedule on or before October 8, 2018. Signed by Judge Trevor N. McFadden on 9/10/2018. (lctnm2) (Entered: 09/10/2018)
09/10/2018		Set/Reset Deadlines: Joint Status Report due by 10/8/2018. (hmc) (Entered: 09/10/2018)
10/09/2018	<u>8</u>	Joint STATUS REPORT by EQUITY FORWARD. (Wood, Hart) (Entered: 10/09/2018)
10/09/2018		MINUTE ORDER. Upon consideration of the parties' <u>8</u> Joint Status Report, the Court hereby ORDERS that the parties file another Joint Status Report on or before November 9, 2018. The Report shall either propose a briefing schedule for dispositive motions or seek additional time to resolve specific remaining issues. Signed by Judge Trevor N. McFadden on 10/9/2018. (lctnm2) (Entered: 10/09/2018)
10/09/2018		Set/Reset Deadlines: Joint Status Report due by 11/9/2018. (hmc) (Entered: 10/09/2018)
11/09/2018	<u>9</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Simon, Jeremy) (Entered: 11/09/2018)
11/13/2018		MINUTE ORDER. Upon considering the parties' <u>9</u> Joint Status Report, it is hereby ordered that the parties file a further joint status report on or before December 19, 2018. This further joint status report should propose a briefing schedule, provide information on the status of any outstanding document searches, and inform the Court of the parties' agreed production schedule for the production of responsive, non-exempt records. Signed by Judge Trevor N. McFadden on 11/13/2018. (lctnm2) (Entered: 11/13/2018)

11/14/2018		Set/Reset Deadlines: Joint Status Report due by 12/19/2018. (hmc) (Entered: 11/14/2018)
12/19/2018	<u>10</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Simon, Jeremy) (Entered: 12/19/2018)
12/20/2018		MINUTE ORDER. Upon considering <u>10</u> the parties' Joint Status Report, the Court hereby orders the parties to file a further status report on or before January 23, 2019. The Joint Status Report should provide the Court information on the status of any outstanding document searches and propose a briefing schedule, if necessary. Signed by Judge Trevor N. McFadden on 12/20/2018. (lctnm2) (Entered: 12/20/2018)
12/20/2018		Set/Reset Deadlines: Joint Status Report due by 1/23/2019. (hmc) (Entered: 12/20/2018)
01/23/2019	<u>11</u>	MOTION to Stay <i>in Light of Lapse of Appropriations</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Simon, Jeremy) (Entered: 01/23/2019)
01/25/2019		MINUTE ORDER granting <u>11</u> Motion to Stay. Upon considering Defendant's <u>11</u> Motion to Stay, it is hereby ordered that this matter is stayed until Congress has restored appropriations to the Department of Justice. Defendant shall notify the Court immediately upon resumption of appropriations to the Department of Justice, and the parties shall file a joint status report within seven days of resumption of appropriations. Because the Department of Health and Human Services is unaffected by the current lapse in appropriations, it is further ordered that HHS shall continue to meet its processing and disclosure obligations. Signed by Judge Trevor N. McFadden on 1/25/2019. (lctnm2) (Entered: 01/25/2019)
01/28/2019	<u>12</u>	NOTICE <i>of Restored Government Funding</i> by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (Simon, Jeremy) (Entered: 01/28/2019)
01/29/2019		MINUTE ORDER. Upon considering the Defendant's <u>12</u> Notice of Restored Government Funding, it is hereby ordered that the stay in this case is lifted. It is further ordered that the parties shall meet and confer, and submit a Joint Status Report informing the Court how the parties wish to proceed on or before February 6, 2019. Signed by Judge Trevor N. McFadden on 1/29/2019. (lctnm2) (Entered: 01/29/2019)
01/29/2019		Set/Reset Deadlines: Joint Status Report due by 2/6/2019. (hmc) (Entered: 01/29/2019)
02/06/2019	<u>13</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Simon, Jeremy) (Entered: 02/06/2019)
02/07/2019		MINUTE ORDER. Upon considering the parties' <u>13</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before March 7, 2019. The Joint Status Report should update the Court on the status of the processing of Plaintiff's request and propose how the parties wish to proceed in this matter. Signed by Judge Trevor N. McFadden on 02/07/2019. (lctnm2,) (Entered: 02/07/2019)
02/08/2019		Set/Reset Deadlines: Joint Status Report due by 3/7/2019. (hmc) (Entered: 02/08/2019)
03/07/2019	<u>14</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Simon, Jeremy) (Entered: 03/07/2019)
03/11/2019		MINUTE ORDER. Upon considering the parties' <u>14</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before April 24, 2019. The Joint Status Report should update the Court on the status of the processing of the Plaintiff's request and propose how the parties wish to proceed in this matter. Signed by Judge Trevor N. McFadden on 03/11/2019. (lctnm2) (Entered: 03/11/2019)
03/11/2019		Set/Reset Deadlines: Joint Status Report due by 4/24/2019. (hmc) (Entered: 03/11/2019)
04/24/2019	<u>15</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Simon, Jeremy) (Entered: 04/24/2019)
04/25/2019		MINUTE ORDER. Upon considering the parties' <u>15</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before June 11, 2019. The Joint Status Report should update the Court on the Defendant's processing

		of the Plaintiff's request and inform that Court how the parties would like to proceed in this matter. Signed by Judge Trevor N. McFadden on 04/25/2019. (lctnm2) (Entered: 04/25/2019)
04/25/2019		Set/Reset Deadlines: Joint Status Report due by 6/11/2019. (hmc) (Entered: 04/25/2019)
06/11/2019	<u>16</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Simon, Jeremy) (Entered: 06/11/2019)
06/12/2019		MINUTE ORDER. Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before August 1, 2019. The Joint Status Report should update the Court on the Defendant's processing of the Plaintiff's request and inform that Court how the parties would like to proceed in this matter. Signed by Judge Trevor N. McFadden on 06/12/2019. (lctnm2) (Entered: 06/12/2019)
06/12/2019		Set/Reset Deadlines: Joint Status Report due by 8/1/2019. (hmc) (Entered: 06/12/2019)
07/31/2019	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Simon, Jeremy) (Entered: 07/31/2019)
08/02/2019		MINUTE ORDER. Upon consideration of the parties' <u>17</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before September 11, 2019. The Joint Status Report should inform the Court about the status of the Defendants' processing of the Plaintiffs' FOIA request and propose how the parties would like to proceed in this matter. Signed by Judge Trevor N. McFadden on 08/02/2019. (lctnm2) (Entered: 08/02/2019)
08/02/2019		Set/Reset Deadlines: Joint Status Report due by 9/11/2019. (hmc) (Entered: 08/02/2019)
09/11/2019	<u>18</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Simon, Jeremy) (Entered: 09/11/2019)
09/11/2019		MINUTE ORDER. Upon consideration of the parties' <u>18</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before October 30, 2019. The status report should advise about the Defendant's processing of the Plaintiff's FOIA request and propose how the parties would like to proceed in this matter. Signed by Judge Trevor N. McFadden on 09/11/2019. (lctnm2) (Entered: 09/11/2019)
09/12/2019		Set/Reset Deadlines: Joint Status Report due by 10/30/2019. (hmc) (Entered: 09/12/2019)
09/23/2019		MINUTE ORDER. The parties are hereby ordered to appear for a Status Conference before Judge Trevor N. McFadden on November 4, 2019 at 10 AM in Courtroom 2. Signed by Judge Trevor N. McFadden on 09/23/2019. (lctnm2) (Entered: 09/23/2019)
09/23/2019		Set/Reset Hearings: Status Conference set for 11/4/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 09/23/2019)
10/23/2019	<u>19</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to EQUITY FORWARD. Attorney Cerissa Cafasso terminated. (Attachments: # <u>1</u> Exhibit A)(Cafasso, Cerissa) (Entered: 10/23/2019)